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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,307	04/06/2001	David Mack		7761

27194 7590 06/15/2004

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EXAMINER

KIM, YOUNG J

ART UNIT PAPER NUMBER

1637

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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06022004

DATE MAILED:

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Commissioner for Patents

Art Unit: 1637

DETAILED ACTION

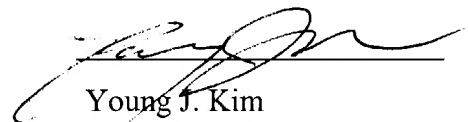
The reply filed on March 31, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants are reminded that the claims which were originally examined were drawn to a method of detecting breast or colorectal cancer by determining the protein level encoded by CZA8 gene. The instant claims, as amended, are now drawn to a method of detecting breast or colorectal cancer by determining the level of nucleic acid molecules, more specifically, mRNAs, which is a distinct and independent method from the originally examined method. A method of detecting a nucleic acid level requires the use of a nucleic acid probe, while the detection of a protein level cannot be practiced with a nucleic acid probe. Such would demonstrate that the methods are not in any way related to each other and not useable together, thus independent and distinct. Since the invention as amended have been amended to become an invention which was not originally examined, such amendment would not be full responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Young J. Kim whose telephone number is (571) 272-0785. The Examiner can normally be reached from 8:30 a.m. to 6:00 p.m. Monday through Thursday. If attempts to reach the Examiner by telephone are unsuccessful, the Primary Examiner in charge of the prosecution, Dr. Kenneth Horlick, can be reached at (571) 272-0784. If the attempts to

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reach the above Examiners are unsuccessful, the Examiner's supervisor, Gary Benzion, can be reached at (571) 272-0782. Papers related to this application may be submitted to Art Unit 1637 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant does submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office. All official documents must be sent to the Official Tech Center Fax number: (703) 872-9306. For Unofficial documents, faxes can be sent directly to the Examiner at (517) 273-0785. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0507.



Young J. Kim
Patent Examiner
Art Unit 1637
6/2/04

yjk